

Summary of Best Practices for the Operation of Passenger Vans

Criteria/Controls	10 - Passenger Vans Including the Driver	15 – Passenger Vans Including the Driver	16 – Passenger Vans Including the Driver
Best Practices – Highly Recommended for All Agencies			
Phase Out Use of 15-Passenger Vans		X	
Initial and Annual Defensive Driving/Coaching the Van Driver	X	X	X
Establish Criteria to Review MVR Records & Pre-qualify All Drivers	X	X	X
Discontinue Transporting School Age Children in 15-Passenger Vans		X	
Agency Logos/Phone Numbers on All Vans	X	X	X
Retire Vans at 7 Years or 180,000 Miles	X	X	X
Sign Out Policy & Van Hangtags	X	X	X
Accident Reporting Kits in Each Van	X	X	X
Speeding – Monitor Driver’s Speed & Limit to 55 mph	X	X	X
Adopt Bad Weather Policy	X	X	X
Tires – Require “Extra Heavy Duty” Rating		X	
Road Test	X	X	X
Seat Belts – By All Drivers and Passengers	X	X	X
Federal DOT Requirements			
Commercial Driver’s License with Proper Endorsements			X
DMV Pull Notice Program	X	X	X
Medical Examinations	X	X	X
Drug and Alcohol Testing – Pre-Employment and Reasonable Suspicion	X	X	
Drug and Alcohol Testing – Random, Post Accident, Follow up, and Return-to-Duty			X
Road Test			X
Hours of Service Log	X	X	X
Inspection and Maintenance	X	X	X
Seat Belts – By All Drivers and Passengers	X	X	X
California Vehicle Code (CVC) Requirements			
Commercial Driver’s License with Proper Endorsements	X	X	X
<i>Transporting School Age Children (K-12) – School Bus Driver Certificate Required</i>	X	X	X
Enroll All Drivers in the DMV Employer Notification “Pull Notice” Program	X	X	X
Medical Examinations	X	X	X
Road Test			X
Drug and Alcohol Testing – Pre-Employment and Reasonable Suspicion	X	X	X
Drug and Alcohol Testing – Random, Post Accident, Follow up, and Return -to-Duty			X
Hours of Service Log	X	X	X
Inspection and Maintenance	X	X	X
Seat Belts – By All Drivers and Passengers	X	X	X
CHP Terminal Inspections			X

We made a sincere effort to conduct a thorough evaluation of the regulations and best practices related to the operation of passenger vans, but there is no guarantee that all existing or potential criteria have been identified and documented. This summary is based on our research and information provided by the California Department of Motor Vehicles and the California Highway Patrol. Following the regulations and best practices in this summary does not guarantee that operations noted will be in compliance with federal, state, or local laws or regulations. Your compliance with these recommendations is not a guarantee that losses will be prevented or reduced, nor are they a substitute for your responsibility to administer your general safety, automobile, and liability programs.

Best Practices for the Operation of 15-Passenger Vans

Federal studies, recently passed laws, and the increase in fatal accidents have raised national concern about the use of 15-passenger vans by churches and schools. With more than 500,000 of these vans on the nation's roads, while they may seem ideal for transporting passengers, when fully loaded, there is a high risk of rollover.

When combined with other safety factors, such as the lack of seatbelt use, poor driver selection, passenger misconduct, and the lack of side impact protection, the risk of fatality and serious injury is greatly increased in the event of a van accident. To further add to the exposure, these vans are not subject to the governmental safety requirements that passenger vehicles or school buses must meet, so they do not provide as much protection in the event of an accident.

After conducting a study to analyze the rollover propensity of these vans, the National Highway Traffic and Safety Administration (NHTSA) issued a national warning about the increased risk of rollovers under certain conditions. NHTSA's analysis revealed that the center of gravity shifts rearward and upward when 15-passenger vans are fully loaded. This shift significantly increases the likelihood of a rollover and increases the potential for loss of control in panic maneuvers. In addition, the design of these vans is not conducive to handling side impacts and many injuries and deaths are attributed to passenger ejection, either due to lack of seatbelt availability or use.

NHTSA Study Findings:

- Rollover risks rise dramatically as the number of van occupants increases.
- With 10 or more occupants, the rollover rate is nearly three times the rate of vans that are lightly loaded.
- With 15 occupants, the risk of a rollover is almost six times greater than if the van only has five occupants.

Driver License Requirements

Ensure that driver of 15-passenger vans possess a Class B commercial driver license (CDL) with a passenger vehicle endorsement.

Requirements for CDLs are outlined in the California Vehicle Code, but there is a gray area when it comes to interpreting whether the vans require a CDL. If the van meets the definition of a “bus”, then the state requires a CDL with a passenger vehicle endorsement. Section 232 (b) defines a “bus” as:

We made a sincere effort to conduct a thorough evaluation of the regulations and best practices related to the operation of passenger vans, but there is no guarantee that all existing or potential criteria have been identified and documented. This summary is based on our research and information provided by the California Department of Motor Vehicles and the California Highway Patrol. Following the regulations and best practices in this summary does not guarantee that operations noted will be in compliance with federal, state, or local laws or regulations. Your compliance with these recommendations is not a guarantee that losses will be prevented or reduced, nor are they a substitute for your responsibility to administer your general safety, automobile, and liability programs.

“A vehicle designed, used, or maintained for carrying more than 10 persons, including the driver, which is used to transport persons for compensation or profit, or is used by any nonprofit organization or group, is also a bus.”

The “for hire” and “for compensation or profit” portions of the code are open to interpretation. The 15-passenger vans may or may not meet these definitions of a “bus,” depending on the situation and the Agency or attorney that is interpreting the code. In researching this, we determined from the Commercial Unit of the DMV that “for hire” can be interpreted to mean when an employer pays an employee to drive. Other interpretations have been different. For instance, in some circumstances, vans used by municipal recreation departments could be considered to be “for hire.”

Since interpretation of the definition is a gray area and the potential exposure related to operating 15 passenger vans is significant, ***all 15-passenger vans*** should be treated as though they meet the definition of a “bus” in the California Vehicle Code. As a result, Agencies should require a Class B CDL with a passenger vehicle endorsement. This will demonstrate the Agency’s due diligence and help ensure that well-qualified drivers and well-maintained vans are being used to transport passengers of all ages.

Commercial Driver-Related Controls

Employer Notification (CVC 1808.1)

Ensure that all drivers are enrolled in the California Department of Motor Vehicles (DMV) Employer Pull Notice (EPN) Program. The requirements for enrolling in the EPN Program are:

- Employers must enroll any driver employed for the operation of any vehicle, if the driver is required to have any of the following:
 - [Class A](#) (formerly known as Class 1), or
 - [Class B](#) (formerly known as Class 2) license.
 - [Class C](#) (formerly known as Class 3) with Hazardous Materials Endorsement.
 - [Class C](#) (formerly known as Class 3) with Special Certificates, issued pursuant to CVC Section 2512, 12517, 12519, 12520, 12523, or 12523.5.
 - Any driver of a passenger vehicle having a seating capacity of not more than 10 persons, including the driver, operated for compensation by a charter-party carrier of passengers.
 - Passenger Stage Corporation with a certificate of public convenience and necessity or permit issued by PUC.

Public agencies are required to enroll ***all*** drivers in the ENP. This service is free to all public agencies. Include EPN enrollment information and driver record review criteria in your written policy.

We made a sincere effort to conduct a thorough evaluation of the regulations and best practices related to the operation of passenger vans, but there is no guarantee that all existing or potential criteria have been identified and documented. This summary is based on our research and information provided by the California Department of Motor Vehicles and the California Highway Patrol. Following the regulations and best practices in this summary does not guarantee that operations noted will be in compliance with federal, state, or local laws or regulations. Your compliance with these recommendations is not a guarantee that losses will be prevented or reduced, nor are they a substitute for your responsibility to administer your general safety, automobile, and liability programs.

Medical Examination

Ensure that all new and current drivers have a valid medical certificate (dated within two years) that meets the requirements of 49 CFR Part 391.41. A copy of the regulation and sample medical examination report should be included as part of the Agency's policy.

Drugs and Alcohol

1. The Federal Department of Transportation (DOT) defines a commercial motor vehicle as one that is "is designed to transport 16 or more passengers, including the driver."

It is important to consider the Federal DOT definition, since the Federal DOT Alcohol and Drug Regulation (49CFR Part 382) is required to be implemented only if the driver is operating a vehicle that meets the "16 or more passengers including the driver" definition (49CFR Part 382.107).

The regulation requires additional alcohol and drug controls such as random and post-accident testing. These additional controls would not be appropriate for the drivers of 15-passenger vehicles, including the driver, since the vehicles they are driving do not meet the definition of a commercial vehicle, as defined by the Federal DOT.

2. Establish a drug and alcohol policy for drivers of 15-passenger vans that include provisions for pre-employment and reasonable suspicion drug and alcohol testing. A written policy should be included in the Agency's program.
3. California requires a CDL with a Passenger Vehicle Endorsement to drive "any vehicle (bus, farm labor vehicle, general public para-transit vehicle, etc.) designed, used, or maintained to carry more than 10 passengers, including the driver, for hire or profit, or is used by any nonprofit organization or group."

Road Test

Ensure that an initial road test is administered for new drivers to confirm that the driver has the knowledge and skills to properly operate the van. A Road Test Resource Form and applicable regulations (49 CFR Parts 391.31 and 391.33) should be included in the Agency's written policy.

Hours of Service Logs

Implement the CDL California Hours of Service Regulations if not crossing the state line, and implement the CDL Federal Hours of Service Regulations if crossing the state line. Include the hours of service requirements and applicable regulations (49 CFR Part 395.8 and CCR Title 13, parts 1201-1213) in the Agency's written policy.

Inspection and Maintenance

Ensure that drivers complete daily pre-trip inspections. Also, ensure that a complete, documented safety and maintenance inspection is conducted at least every 90 days. Include sample forms and applicable regulations (49 CFR Parts 396.11, 396.13, and 396.3) in the Agency's written program.

General Best Practices

A. Phase-Out Program

Consider adopting the following policy:

1. 15-passenger vans may not be purchased or rented, effective immediately.
2. On 07/01/04 the use of currently owned 15-passenger vans for passenger transportation use is no longer permitted.
3. Currently owned 15-passenger vans may be used for transporting passengers until 07/01/04.
4. Strict adherence to the "Best Practices for 15-Passenger Vans" in this policy is required, until their use is eliminated.

B. Transporting School Age Children

1. No school age children should be transported to or from school or related activities, without the driver having a School Bus Driver Certificate.
2. The 15 passenger vans meet the definition stated in 545.1 (a) of the California Vehicle Code which states "a motor vehicle is not a school bus if it is operated for the purpose of transporting any pupil to or from a community college or to or from activities at that college, irrespective of the age of the pupil or the grade level of the pupil, if the pupil is a current enrollee in classes of the college providing the transportation."

We made a sincere effort to conduct a thorough evaluation of the regulations and best practices related to the operation of passenger vans, but there is no guarantee that all existing or potential criteria have been identified and documented. This summary is based on our research and information provided by the California Department of Motor Vehicles and the California Highway Patrol. Following the regulations and best practices in this summary does not guarantee that operations noted will be in compliance with federal, state, or local laws or regulations. Your compliance with these recommendations is not a guarantee that losses will be prevented or reduced, nor are they a substitute for your responsibility to administer your general safety, automobile, and liability programs.

This definition allows the use of a 15-passenger van to transport pupils, even though the vehicle does not meet the safety requirements that a school bus must meet (flashing red and amber lights, stop sign that swings out, and structural enhancements.) This section defines the vehicle requirements, not the driver requirements.

Section 545.1 (a) goes on to state that any vehicle meeting the definition of 545.1 (a) shall meet the requirements of Section 12517. This section references the driver requirements for operating the vehicle that meets the definition of 545.1 (a). It states: “No person shall operate a school bus unless that person has in his or her immediate possession a valid driver's license for the appropriate class of vehicle to be driven endorsed for passenger transportation. When transporting one or more pupils at or below the 12th-grade level to or from a public or private school or to or from public or private school activities, the person shall also have in his or her immediate possession a certificate issued by the department to permit the operation of school buses.”

4. A School Bus Driver Certificate is needed, if the driver is transporting pupils below the 12th-grade level, whether it is to or from school or related to a school activity.

Agency Logos

Ensure that all vans have the Agency's logo with phone numbers conspicuously posted on the sides and rear of the vehicles in order to encourage the public to report observed unsafe activity.

Van Retirement

Make provisions that all vans are retired at or before 7 years or 180,000 miles to reduce the potential for accidents involving mechanical failure.

Sign-Out Policy

Implement a vehicle sign-out policy to ensure that qualified drivers only operate fully maintained vehicles, including passenger vans. During the sign-out, drivers should be reminded of the hazards of the 15-passenger van, which should be listed on the hangtag in each van.

Accident Reporting Kits

Provide an accident reporting kit for each of the 15-passenger vans.

We made a sincere effort to conduct a thorough evaluation of the regulations and best practices related to the operation of passenger vans, but there is no guarantee that all existing or potential criteria have been identified and documented. This summary is based on our research and information provided by the California Department of Motor Vehicles and the California Highway Patrol. Following the regulations and best practices in this summary does not guarantee that operations noted will be in compliance with federal, state, or local laws or regulations. Your compliance with these recommendations is not a guarantee that losses will be prevented or reduced, nor are they a substitute for your responsibility to administer your general safety, automobile, and liability programs.

Speeding

California law limits the maximum speed for buses transporting pupils to 55 miles per hour. Adopt a policy stating that “Drivers shall not exceed 55 miles per hour. Drivers will be monitored, and disciplinary action will be taken for those known to exceed 55 miles per hour.” Include this policy in the “Code of Safe Practices” section of the Agency’s program.

Bad Weather

Adopt a “Bad Weather Policy” indicating procedures that will be taken in the event of fog or other bad weather. Include this policy in the “Code of Safe Practices” section of the Agency’s program.

Tire Rating

Ensure that all 15-passenger vans have tires with the “extra heavy duty” rating and emphasize the importance of checking tire pressure during the daily pre-trip inspection. Include this policy in the “Code of Safe Practices” section of the Agency’s program.

Seat Belt Use

Ensure that all drivers and passengers wear seat belts. Include this policy in the “Code of Safe Practices” section of the Agency’s written program. In addition to adopting the policy, signs should be installed that state that seat belt use is required at all times.